

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

RECEIVED

JUL 30 2018

CLERK, U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

FEDERAL TRADE COMMISSION, and

STATE OF MINNESOTA, by its Attorney
General, Lori Swanson,

Plaintiffs,

v.

SELLERS PLAYBOOK, INC., a
corporation,

EXPOSURE MARKETING COMPANY,
a corporation, also d/b/a Sellers Online and
Sellers Systems,

JESSIE CONNERS TIEVA, individually
and as an officer of SELLERS
PLAYBOOK, INC. and EXPOSURE
MARKETING COMPANY, and

MATTHEW R. TIEVA, individually and
as an officer of SELLERS PLAYBOOK,
INC. and EXPOSURE MARKETING
COMPANY,

Defendants.

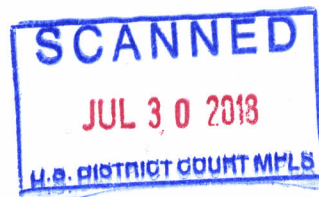
CASE NO.

18sl2207 DWF/TM

FILED UNDER SEAL

**PLAINTIFFS' EX PARTE
EMERGENCY MOTION
FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY
INJUNCTION WITH OTHER
EQUITABLE RELIEF**

Plaintiffs, the Federal Trade Commission ("FTC") and the State of
Minnesota, by and through its Attorney General, Lori Swanson ("Minnesota"),
move this Court for an *ex parte* temporary restraining order ("TRO") and



preliminary injunction immediately halting Defendants' deceptive marketing of business opportunities.

As further explained in the Plaintiffs' memorandum of law in support of this motion, Defendants prey on consumers who embody the entrepreneurial American spirit and seek to open a new business. Defendants lure consumers into purchasing expensive business opportunities by promising consumers a "turnkey opportunity" for getting their "piece of the \$400 Billion Amazon Pie." Defendants represent that purchasers are likely to "make four figures, five figures or more on a monthly basis selling on Amazon" by implementing Defendants' "step-by-step method." Defendants' earnings claims are false and unsubstantiated. Contrary to Defendants' representations, purchasers of Defendants' business opportunities are unlikely to earn the advertised income.

At the center of the deceptive scheme are individual defendants Matthew R. Tieva ("Matt Tieva") and Jessie Conners Tieva ("Jessie Tieva"), a married couple who, together, control and operate a common enterprise including corporate defendants Sellers Playbook, Inc. and Exposure Marketing Co. (collectively "Corporate Defendants") from New Hope, Minnesota. In perpetrating their scheme, Defendants have violated numerous laws, specifically: Section 5(a) of the Federal Trade Commission Act ("FTC Act"), 15 U.S.C. § 45(a), the Business Opportunity Rule, 16 C.F.R. Part 437; the Minnesota Prevention of Consumer

Fraud Act, Minn. Stat. §§ 325F.68-.694; and Minnesota's Uniform Deceptive Trade Practices Act, Minn. Stat. §§ 325D.43-.48, by, among other things: (1) making false or unsubstantiated earnings claims regarding Defendants' business opportunities; and (2) failing to furnish prospective purchasers of Defendants' business opportunities with the required disclosure documents. Defendants have also violated the Consumer Review Fairness Act of 2016 ("CRFA"), 15 U.S.C. § 45b, through their use of form contracts prohibiting consumers from honestly reviewing Defendants' business opportunities.

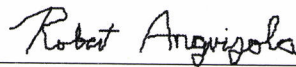
From their principal place of business in Minnesota, Defendants devised and directed a scheme that has deceived thousands of consumers across the country, causing a total injury that, based on a conservative estimate, exceeds \$15 million. Each individual victim of Defendants' scheme suffers consumer injury of \$497 to over \$34,000. Emergency *ex parte* relief is necessary to halt Defendants' widespread deception, prevent the dissipation of assets needed to compensate their victims, and preclude the spoliation of evidence.

WHEREFORE, the FTC and Minnesota respectfully request the entry of a TRO substantially in the form of the proposed Temporary Restraining Order filed concurrently with this motion that: (1) enjoins Defendants from making unsubstantiated earnings claims; (2) enjoins Defendants from suppressing consumer reviews; (3) freezes Defendants' assets; (4) appoints a temporary

receiver over Corporate Defendants; (5) grants Plaintiffs access to Corporate Defendants' business premises and records; and (6) provides for expedited discovery. Plaintiffs also seek a preliminary injunction containing similar equitable relief as the proposed TRO and request that a preliminary injunction hearing be set at the earliest possible time.

Respectfully submitted,

Dated: July 30, 2018



Roberto Anguizola

Illinois Attorney # 6270874

Minnesota Attorney #0301115 (voluntarily restricted)

(Seeking admission pro hac vice)

Tel. (202) 326-3284

Email: ranguizola@ftc.gov

Claire Wack

Maryland Attorney # 1312190275

(Seeking admission pro hac vice)

Tel. (202) 326-2836

Email: cwack@ftc.gov

Federal Trade Commission

600 Pennsylvania Avenue, N.W.

Mail Drop CC-8528

Washington, DC 20580

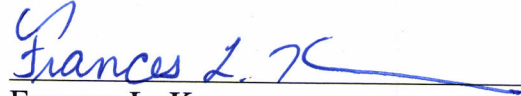
Attorneys for Plaintiff

FEDERAL TRADE COMMISSION

and

Dated: July 30, 2018

LORI SWANSON
Attorney General
State of Minnesota



Frances L. Kern
Minnesota Attorney # 0395233
Assistant Attorney General
Minnesota Attorney General's Office
445 Minnesota Street, Suite 1200
St. Paul, Minnesota 55101-2130
(651) 757-1373 (voice)
(651) 296-7438 (fax)
(651) 297-7206 (TTY)
Email: Frances.Kern@ag.state.mn.us

Attorneys for Plaintiff
STATE OF MINNESOTA